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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/926,029	12/20/2001	Manabu Haraguchi	010911	1295
23850	7590	11/01/2005	EXAMINER	
ARMSTRONG, KRATZ, QUINTOS, HANSON & BROOKS, LLP 1725 K STREET, NW SUITE 1000 WASHINGTON, DC 20006			HAUGLAND, SCOTT J	
			ART UNIT	PAPER NUMBER
			3654	

DATE MAILED: 11/01/2005

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**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Application Number: 09/926,029
Filing Date: December 20, 2001
Appellant(s): HARAGUCHI, MANABU

William L. Brooks
For Appellant

EXAMINER'S ANSWER

MAILED

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GROUP 3600

This is in response to the appeal brief filed August 26, 2005 appealing from the Office action mailed April 6, 2005.

(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is incomplete. The following are all of the grounds of rejection applicable to the appealed

claims. Appellant has addressed all of these grounds in appellant's arguments of section VII of the brief.

Claims 8 and 9 stand rejected under 35 U.S.C. § 112, first paragraph, as failing to comply with the written description requirement.

Claims 8 and 9 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over either of Watanabe (U.S. Pat. No. 4,684,272) or Kanai (U.S. Pat. No. 5,931,588) in view of Haraguchi et al (U.S. Pat. No. 5,819,500) or as unpatentable over Haraguchi et al in view of either of Watanabe or Kanai.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

4,684,272	Watanabe	8-1987
5,931,588	Kanai	8-1999
5,819,500	Haraguchi et al	10-1998

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claims 8 and 9 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to

one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

The language of claim 8, lines 10-11, reciting that the recess forms a "more flexible portion of the wall than portions of the wall between at least two of the recesses" is not described in the specification as originally filed, is not shown in the drawings, and constitutes new matter. The application as originally filed is silent regarding the flexibility of the wall portions located immediately radially outwardly of the recesses.

Claims 8-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over either of Watanabe (U.S. Pat. No. 4,684,272) or Kanai (U.S. Pat. No. 5,931,588) in view of Haraguchi et al (U.S. Pat. No. 5,819,500) or as unpatentable over Haraguchi et al in view of either of Watanabe or Kanai.

Watanabe discloses a roll of web comprising an elongated hollow wall defining a tubular shaft member 5 having concentrically spaced inside and outside surfaces, notches 5a having a limited length from an end of the shaft member, each notch being defined by a recess disposed in the inner surface of the wall of the shaft member communicating with the end of the shaft member and extending to a radial depth short of the outside surface of the shaft member.

Kanai discloses a roll of web comprising an elongated hollow wall defining a tubular shaft member 1 having concentrically spaced inside and outside surfaces, notches 7 having a limited length from an end of the shaft member, each notch being defined by a recess disposed in the inner surface of the wall of the shaft member

communicating with the end of the shaft member and extending to a radial depth short of the outside surface of the shaft member.

Neither Watanabe or Kanai discloses a paper roll comprising thermally fusible packaging paper wound on the tubular shaft member with a folded portion of the paper being disposed on an end of the shaft member.

Haraguchi et al discloses a thermally fusible packaging paper 20 wound in a double folded state on a tubular shaft 21 with a folded portion 20A of the paper disposed on an end of the shaft member. See Fig. 3.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide either of Watanabe or Kanai with folded thermally fusible packaging paper on the tubular shaft member with a folded portion of the paper on an end of the shaft member as taught by Haraguchi et al to store and dispense such paper as needed for packaging.

Alternatively, it would have been obvious to provide the apparatus of Haraguchi et al with a tubular shaft member for holding the wound paper having notches communicating with the end of the shaft member to receive driving projections as taught by either of Watanabe or Kanai to provide a positive drive connection between a drive and the roll of packaging paper since Watanabe and Kanai each teach alternative separable drive connections that accomplish substantially the same thing as the connection disclosed by Haraguchi et al while providing advantages such as greater ease of alignment with and attachment to the drive (e.g., Kanai) or reduced spool material requirements (e.g., Watanabe - diametrical rib not required).

It appears that the portion of the wall of the shaft member radially outside of the recesses of the notches would inherently be more flexible than the portions of the wall between the recesses since the shaft members of Watanabe and Kanai appear to be formed entirely of the same material. In any case, it would have been obvious to form the shaft members from a single substantially uniform material for reasons of efficiency since there is nothing in the references to suggest the need to do otherwise.

(10) Response to Argument

Regarding the rejection under 35 U.S.C. § 112, first paragraph, Appellant argues that it would have been obvious to one of ordinary skill in the art that the skin is thinner in the recess 21A than it is between the recesses and is necessarily more flexible.

However, there is no disclosure of what material or materials the wall of the tubular shaft member 21 is made of. There is no disclosure that it is made of a single homogeneous material. There is, however, a disclosure that the thin portions of the wall adjacent recesses 21A provide additional rigidity and resistance to compression of the shaft member by the pressure of the paper wound on it (p. 22, line 24 - p. 23, line 3). This suggests the desirability of minimizing the flexibility of the thin portions.

With regard to the rejection under 35 U.S.C. § 103, Appellant argues that none of the references teaches or suggests that each recess forms a thinner, more flexible portion of the wall than portions of the wall between two notches. However, as set forth above, more flexible wall portions would be inherent in the disclosed structures of

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Watanabe and Kanai or, at least, when they are formed of the same material throughout, which would have been obvious to an ordinary artisan.


Additionally, in response to applicant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986).

(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,


sjh
10/25/05

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